



LEAGUE OF WOMEN VOTERS®
OF TEXAS

October 13, 2011

Ann McGeehan
Director of Elections
Office of the Secretary of State
Austin, Texas 78711-2060

RE: RULE §81.71 Substantially Similar Name Standards

Dear Ms. McGeehan:

LWV-TX writes to express concern that proposed RULE §81.71 "Substantially Similar Name Standards" does not include sufficient guidance for election workers to make reasonable and consistent decisions on accepting voters and for voters to know prior to the election whether a photo ID will or will not be accepted. Regulations establishing substantially similar names were among the issues discussed when LWV-TX representatives met with you and others on September 1.

As proposed, the rule requires a determination by poll workers or voter registrars that the voter's name is either "slightly different from one of the name fields on the official list of registered voters," "a customary variation of the formal name," or "contains a middle or former name." This broad wording leaves much to the discretion of the specific individual making the determination. Under the proposed rule, we believe conscientious, reasonable election workers would vary in the decision about many specific situations. Some might interpret Brittany, Brittney, and Britney or Jose and Joseph as "slightly different" and accept the voter for a regular ballot; some might not. Some might accept Beto, Bob, and Rob as customary variations of Robert; others might accept Bob and Rob for Robert but not recognize Beto as a variation of Robert. How consistently would Alice Jones be accepted to vote a regular ballot if the name on her photo ID includes maiden name, Alice Smith Jones, but the name on the list of registered voters includes her middle name, Alice May Jones?

For fair elections, it is essential that decisions to accept voters be reasonable and uniform. These decisions should not depend on potential idiosyncrasies of the individual making the decision about a specific voter. LWV-TX is particularly concerned that the vague nature of the proposed rule may adversely affect women voters, because they are more likely to have changed names, and minority voters, because election workers may not be familiar with name variations customary within all minority communities.

It is also essential that Texas voters and voter assistance groups like LWV-TX fully understand the rule that will be applied at the polls. With adequate advance knowledge, voters can make changes to align the name on their photo ID with the name on their voter registration and smooth the process of voting for themselves, election workers, and all other voters. Without adequate advance knowledge, there will be unnecessary hassles for both voters and election staff as voters either seek name changes that should be unnecessary or fail to make needed changes in advance and are disenfranchised at the polls.

LWV-TX appreciates the opportunity to make our views known. If additional information is required, please contact LWV-TX Vice President Linda Krefting, lkrefting@att.net, 806-793-6136.

Sincerely,

Karen Nicholson
President, LWV-TX



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